

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-77-C - ORDER NO. 2003-465

JULY 23, 2003

IN RE: Application of BellSouth Public Communications, Inc. for Approval to Divest Itself of its Assets.))))	ORDER GRANTING ORAL ARGUMENTS AFTER DISCOVERY PERIOD
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This matter comes before the Public Service Commission of South Carolina (the Commission) on BellSouth Public Communications, Inc.'s (BSPC's) Motion for Expedited Oral Argument and/or Expedited Rulings on Pending Matters. In addition, a response was received from the South Carolina Public Communications Association (SCPCA) and a document in opposition to the Motion was filed by the Women's Shelter. After examination of all of these materials and due consideration, we grant oral arguments, but hold that such arguments shall be held only after the expiration of a thirty-day period, so that the parties may conduct discovery.

BSPC's Motion requests that this Commission set all pending petitions and motions in this docket for oral argument (if the Commission deems oral argument to be necessary) and rule on these matters on an expedited basis. BSPC states that the following matters are now pending in this Docket: (1) Women's Shelter's Petition to Intervene; (2) Women's Shelter's Motion to Hold Proceedings in Abeyance; (3) BSPC's Motion to Deny Petitioner's Motions to Intervene and to Hold Proceedings in Abeyance; and (4) Women's Shelter's Request for Initiation of Informal Proceeding. BSPC alleges

that these matters all relate to the Women's Shelter's request to delay BSPC's exit from the payphone market and to create exit requirements. BSPC states that such actions are prohibited by Federal law and that the Commission should decide matters in BSPC's favor as quickly as possible.

SCPCA filed a response concurring with BSPC's position and adopting BSPC's Motion for expedited consideration. SCPCA states its belief that oral argument is particularly useful in this scenario, since interpretations of state and federal law are involved. Accordingly, SCPCA also moves that the Commission set all pending petitions and motions in this docket for oral argument and decide these matters on an expedited basis.

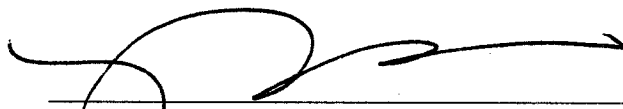
The Women's Shelter filed a document in opposition to BSPC's Motion. The Women's Shelter states a belief that the Commission should require BellSouth to account for its payphone assets and to adopt a reasonable migration plan before the Commission permits BellSouth to discontinue service within the State and that Commission sanctioned mediation would be the most efficient method to resolve many of the issues presented. Further, the Women's Shelter requests that the Commission schedule any hearings in a manner that will provide the Women's Shelter sufficient time to engage in limited discovery prior to the hearing and require BellSouth to respond expeditiously to said discovery. The Women's Shelter states an interest in learning which of BSPC's payphones might qualify as public interest payphones. Further, the Women's Shelter requests establishment of an informal proceeding to resolve the matters presented by the parties.

We have examined the documents filed in this matter, and we have considered the points propounded by the parties. Ultimately, we agree with BSPC and SCPCA that oral arguments should be held to address the various issues in this case and the possible interpretations of federal and state law that may arise. However, we are sympathetic with the Women's Shelter's desire for discovery in this case, in order for the Women's Shelter to attempt to determine which of BSPC's payphones might qualify as public interest payphones.

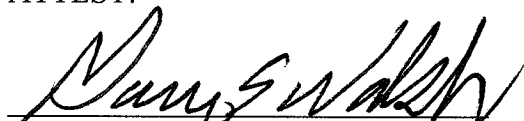
Accordingly, we grant oral arguments to dispose of all pending matters in this Docket, but we hold that such arguments shall not be held for at least thirty (30) days from July 15, 2003, in order to allow the Women's Shelter, or other parties, the opportunity to conduct discovery in this case. Staff shall set the date for oral arguments according to these instructions.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Mignon L. Clyburn, Chairman

ATTEST:


Gary E. Walsh, Executive Director
(SEAL)